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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,528	10/07/2005	Urs Reuteler	045-102	5960
		07/2005 Urs Reuteler  04/30/2007  LC  AY	EXAMINER	
247 NORTH B	9 7590 04/30/2007 NG & SCHICKLI, PLLC	HARMON, CH	RISTOPHER R	
LEXINGTON,	KY 40307		ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
		1	04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Sir			
	Application No.	Applicant(s)			
	10/532,528	REUTELER ET AL.			
Office Action Summary	Examiner	Art Unit			
	Christopher R. Harmon	3721			
The MAILING DATE of this communication					
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CFI after SIX (6) MONTHS from the mailing date of this communication  - If NO period for reply is specified above, the maximum statutory pe  - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICA R 1.136(a). In no event, however, may a repl riod will apply and will expire SIX (6) MONTH atute, cause the application to become ABAN	ATION. y be timely filed  S from the mailing date of this communication.  NDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 1	<u> 6 April 2007</u> .				
ta) This action is <b>FINAL</b> . 2b) ⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merit					
closed in accordance with the practice und	er <i>Ex parte Quayle</i> , 1935 C.D.	I1, 453 O.G. 213.			
Disposition of Claims					
4) Claim(s) <u>1-19 and 83-92</u> is/are pending in t	the application.				
4a) Of the above claim(s) <u>10-19 and 83-92</u>	is/are withdrawn from considera	ation.			
5) Claim(s) is/are allowed.					
6) Claim(s) <u>1-9</u> is/are rejected.					
7) Claim(s) is/are objected to.	od/or election requirement				
8) Claim(s) are subject to restriction ar	ia/or election requirement.				
Application Papers					
9)☐ The specification is objected to by the Exar	niner.				
10) ☐ The drawing(s) filed on is/are: a) ☐					
Applicant may not request that any objection to					
Replacement drawing sheet(s) including the co					
11)☐ The oath or declaration is objected to by the	e ⊏xaminer. Note the attached t	JINCE ACTION OF TOTHE FTO-132.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for force a) All b) Some * c) None of:		19(a)-(d) or (f).			
1. Certified copies of the priority docum		11			
2. Certified copies of the priority docum					
3. Copies of the certified copies of the	•	sceived in this National Stage			
application from the International Bu * See the attached detailed Office action for a		eceived			
" See the attached detailed Office action for a	list of the certified copies hot re	:cerveu.			
Attachment(s)					
1) Notice of References Cited (PTO-892)  2) Notice of Praftsperson's Patent Drawing Review (PTO-948)	4) Interview Su Paper No(s)/	mmary (PTO-413) Mail Date			

U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7/22/05.

5) Notice of Informal Patent Application
6) Other:

Art Unit: 3721

## **DETAILED ACTION**

### Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-9, in the reply filed on 4/16/07 is acknowledged. The traversal is on the ground(s) that the inventions do not lack unity. This is not found persuasive because applicant's stated special technical feature common to the inventions (ie. conveying a carton in an orthogonal direction with at least one folded flap) is not novel; see Williams et al. (US 4,581,876). Therefore, because the special technical feature common to the inventions is not a technical feature that defines a contribution over the prior art, it is clear that applicant is relying upon other limitations for patentability; see MPEP 1850. Because the inventions are directed towards divergent subject matter a substantial burden exists for the examiner to examine all separate distinct inventions.

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-19 and 83-92 are withdrawn from further consideration pursuant to 37
 CFR 1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim.

## Claim Objections

3. Claim 8 is objected to because of the following informalities: "plow for associated with each..." is not grammatically correct. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 3721

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-2, 5-6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobalet (US 2,970,526).

Gobalet discloses a machine for conveying a carton having a lid with a flap comprising overhead conveyor 11 with lug 12; takeaway conveyor (compression unit) with lugs 54 located adjacent and perpendicular to overhead conveyor 11; means for folding the flaps 16 and 17; see figures 1-3 and 7-8. Glue wheels 14 and 15 have ridged projections (ie. raised surface) for applying glue to at least partially close the flap; see figure 1.

# Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randles (US 4,590,745) in view of Gobalet (US 2,970,526).

Randles discloses a machine for folding boxes comprising lug conveyors with parallel conveyor chains located adjacent and perpendicular to one another; folding means 19 for first flap; folding means 25 with means/stationary plows 68 and 70 for

Art Unit: 3721

second and third flaps respectively; see figure 1. Lugs are considered retracted and upstanding to selectively engage boxes C. Rotatable wheels 54 have projections (axles and bolts mounted in slots 60) for at least partially closing flaps and completing the folding (by adhesion); see figure 2. Randles does not disclose an overhead conveyor however Gobalet discloses overhead lug conveyor 11 for transporting boxes in a similar invention; see above. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the overhead conveyor in the invention to Randles for forwarding the boxes along the path.

### Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 371-272-1000.

Christopher Ralarmon Primary Examiner Art Unit 3721